

**Maryland Board of Pharmacy
Public Meeting Minutes
January 20, 2010**

Name	Title	Today's Attendance		Year-to-Date Attendance	
		Present	Absent	Present	Absent
Anderson, C.	Commissioner	X		6	1
Bradley-Baker, L.	Commissioner	X		7	0
Chason, D.	Commissioner	X		7	0
Finke, H.	Commissioner	X		7	0
Handelman, M.	Commissioner	X		6	1
Israbian-Jamgochian, L.	Commissioner	X		7	0
Leandre, A.	Commissioner		X	6	1
Matens, R.	Commissioner	X		5	2
Souranis, M.	Commissioner/Treasurer		X	6	1
Taylor, D.	Commissioner/President	X		7	0
Taylor, R.	Commissioner/Secretary	X		6	1
Zimmer, R.	Commissioner	X		6	1
Bethman, L.	Board Counsel	X		7	0
Gibbs, F.	Board Counsel	X		7	0
Banks, T.	MIS Manager		X	4	3
Gaither, P.	Administration and Public Support Manager	X		7	0
Goodman, S.	Licensing Manager	X		4	3
Jeffers, A.	Legislation/Regulations Manager	X		7	0
Naesea, L.	Executive Director	X		7	0
Waddell, L.	Executive Secretary	X		7	0

Subject	Responsible Party	Discussion	Motion	Action/Results
I. Call to Order & Approval of Minutes	Donald Taylor, Board President	A. D. Taylor brought the December Public Board Meeting to order at 9:00 a.m.		
		B. D. Taylor requested that all meeting attendees introduce themselves and to remember to sign the guest list before they leave the meeting.		
		C. D. Taylor requested that any members of the Board with a conflict of interest to any item on the agenda notify the Board at this time or when the item is addressed in the agenda.		
		D. D. Taylor reported that guests will be given packets of materials so that they can follow meeting discussions. He requested that the guests return the draft packets when they leave the meeting.		
		E. Revisions to Minutes: Approval of December 16, 2009 Change Diversion to Drug under meeting updates B Re-word #4 under Long-term care report	E. Motion: D. Chason made a motion to approve the minutes as amended.	E. Board Action: The Board voted to approve the motion.

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			L. Israbian-Jamgochian seconded the motion.	
II. Meetings Updates	Donald Taylor Board President	1.D. Taylor reported on the following meetings: A. The Influenza Vaccine Executive Order expired on January 11, 2010. On January 14, 2010, the Executive Order was extended for another 30 days and will expire on February 14, 2010. B. The Board had a meeting with PEAC on December 22, 2009 to discuss the new contract for this year. C. Home Infusion Workgroup met on January 6, 2010. C. Anderson reported that a review of the full draft of regulations is almost complete. A. Jeffers is working with the Committee members by way of email to prepare final revisions. The committee plans to reconvene in May after the legislative session ends. D. The Acetaminophen (APAP) Task Force met on January 7, 2010. L. Bradley-Baker reported that two representatives from McNeil Pharmaceuticals, makers of Tylenol, gave a presentation on their new packaging, patient information on safe dosage, etc. A national APAP Education consortium, comprised of over 20 professional and regulatory organizations, met for the first time in August 2009 and will meet again in 3 weeks to talk about other safety initiatives.. The next meeting will be held in March 2010. E. A Maryland Pharmacy Coalition call was held on January 11, 2010. L. Bradley-Baker reported that a meeting will be held on January 20, 2010 from 12:00 p.m. to 8:00 p.m. to discuss the Drug Therapy Management collaboration and will provide Continuing Education credits. Legislative Day will be held on Thursday, February 18, 2010. There will be a continuing education program on Thursday, February 11, 2010 from 6:00 p.m. until 8:00 p.m. to discuss the legislative process as well as pending legislation. F. MPhA's January meeting will be held in Columbia on January 31, 2010. Howard Schiff, MPhA Executive Director, reported that the Continuing Education seminar is a six and one half hour credit program and that the program has received a good response based on registration numbers. G. Prescription Drug Monitoring Taskforce report will be presented to the legislators on January 21, 2010. It will now be up to the Legislature to determine whether the Task Force recommendations will be accepted and a bill drafted.		
III. Executive Director	LaVerne Naesea, Executive Director	A. L. Naesea reported on the following staffing updates: 1. T. Banks, MIS Manager will be out on medical leave due to emergency surgery. She is expecting to be back into the office by the end of the month. B. L. Naesea reported on the following meeting updates: 1. The Board met with PEAC on December 22, 2009. Significant details included increasing the client cap and cost of living provisions in the contract. The Board should request a sole source contract since there are no other programs to compete with PEAC at this time. 2. The Health Occupation Boards jointly presented to a Senate Committee on the purpose of the Boards, fiscal concerns and the status of boards in tracking their ranges of case decisions under compliance. 3. An ACPE Evaluation will be held on April 27-29, 2010 at the College of Notre		
				Action Item:

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		Dame School of Pharmacy. The process is to evaluate the PharmD program for pre-accreditation. The Board was invited to send a representative to evaluate the program.		R. Zimmer will represent the Board at the evaluation.
IV. PEAC Report	Anthony Tommasello, PEAC	<p>A. A. Tommasello reported the PEAC monthly statistics for the Board contract. See Attachment 1, Section D.</p> <p>B. A. Tommasello reported that PEAC is serving a pharmacist who only needed support from the program. The Pharmacist had no addiction issue, but had personal problems. A. Tommasello met with him to discuss the PEAC services and to refer him for counseling intervention.</p> <p>C. A. Tommasello reported that PEAC had a Pharmacy Technician contact them because he was caught stealing and thought that PEAC could defend him. A. Tommasello stated that PEAC is not a place where Pharmacists and Technicians can run to hide their problems. PEAC's role is to rehabilitate Pharmacists and Technicians so they may return back into the community workforce.</p>		
V. Legislation and Regulations	Anna Jeffers, Legislation and Regulation Manager Report	<p>A. A. Jeffers reported on the following Maryland Regulations - Status:</p> <p>1. <u>COMAR 10.34.03 Inpatient Institutional Pharmacy</u>. Workgroup established pursuant to the RR&E -. Next meeting is scheduled for 01/27/10</p>		
		<p>2. <u>COMAR 10.34.05 Pharmacy Security; COMAR 10.34.07 Pharmacy Equipment; COMAR 10.34.12 Removal of Expired Prescription Drugs; COMAR 10.34.13 Reinstatement of Expired Licenses For Pharmacists; and COMAR 10.34.15 Licensure By Reciprocity</u> - combined in one proposal. Anticipated publication date, 01/29/10. <u>30 day comment period follows</u></p>		
		<p>3. <u>COMAR 10.34.09 Fees</u>. Effective date is 02/1/10.</p>		
		<p>4. <u>COMAR 10.34.18 Continuing Education for Pharmacists</u>. Anticipated publication date, 01/29/10. <u>30 day comment period follows</u>.</p>		
		<p>5. <u>COMAR 10.34.20 Format of Prescription Transmission</u>. <u>To be submitted to the Department for approval</u>.</p>		
		<p>6. <u>COMAR 10.34.23 Pharmaceutical Services to Residents in Long-Term Care Facilities</u>. Released for informal comment 11/30/09 through 12/18/09. Approval of Board responses to informal comments requested for the following:</p> <p><u>The following revisions to the proposed 10.34.23 resulted from the comments</u></p> <p><u>10.34.23.06C(1)</u> – The word “of” will be added after “preparation” and before “medications.”</p> <p><u>10.34.23.07E Medication Packaging, Packaged from Another Pharmacy</u>. It was noted that the regulations were not clear that medications packaged from another pharmacy must be received directly from another pharmacy and with the manufacturers name on the container. Although set forth in the definitions in 10.34.23.02B(6)(ii), it was suggested that the requirement that medications must be received directly from another pharmacy and with the manufacturers name on the</p>		

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		<p>container, be repeated in 10.34.23.07E. The Board agrees and will amend 10.34.23.07E(1) as follows:</p> <p>"E. Packaged from Another Pharmacy.</p> <p>(1) The licensed pharmacist determines that the prescription medication received from another pharmacy <u>licensed in Maryland or operated by the government of the United States provided that the manufacturer's name is present on the container</u>, has been handled in a manner which preserves the strength, quality, purity, and identity of the drug or device during an interim period between the time it was dispensed by the original pharmacy and received by the packaging pharmacy."</p> <p>10.34.23.09G –The Board will delete "of the comprehensive care facility" the third time it is used in that sentence.</p> <p>10.34.23.09H(2)(c) – The word "prescribed" will be substituted for the word "prescriber."</p> <p><u>a. Arnie Clayman - Informal Comments - COMAR 10.34.23</u></p> <p><u>Board response to Informal Comment – 10.34.23 - Omnicare</u></p> <p><u>b. Bd of Physicians - Informal Comment - 10.34.23</u></p> <p><u>Board response to Informal Comment – 10.34.23 – Bd of Physicians</u></p> <p><u>c. Bruce Krug - Informal Comment - COMAR 10.34.23</u></p> <p><u>Omnicare attachment - MD-Tech Bar Code Scan documents</u></p> <p><u>Board response to Informal Comment – 10.34.23 – Omnicare</u></p> <p>The response to Bruce Krug was not completed for the Board Meeting.??</p>	<p>6a. Motion: R. Matens made a motion to approve the Board's response to Omnicare.</p> <p>M. Handelman seconded the motion.</p> <p>6b. Motion: C. Anderson made a motion to approve the Board's response to Board of Physicians.</p> <p>R. Matens seconded the motion.</p> <p>6c. Motion: R. Zimmer made a motion to approve the Board's response to Bruce Krug as amended.</p> <p>D. Chason seconded</p>	<p>6a. Board Action: The Board voted to approve the motion.</p> <p>6b. Board Action: The Board voted to approve the motion.</p> <p>6c. Board Action: The Board voted to approve the motion.</p>

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		<p>d. BOARD APPROVAL REQUESTED FOR:</p> <p>COMAR 10.34.23 for Bd approval 012010</p>	<p>the motion.</p> <p>6d. Motion: C. Anderson made a motion to approve COMAR 10.34.23.</p> <p>D. Chason seconded the motion.</p>	<p>6d. Board Action: The Board voted to approve the motion.</p>
		<p>7. COMAR 10.34.25 Delivery of Prescriptions. Released for informal comment 12/1/09 through 12/22/09. Approval of Board responses to informal comments requested for the following:</p> <p><u>One revision to the proposed 10.34.25 resulted from the comments 10.34.25.04B(2)</u></p> <p>Concerns were expressed regarding requiring pharmacies to provide notice to the patient before a temperature sensitive medication is delivered. It was noted that this practice would not only increase costs, but will also result in significant delays which could interrupt the patient's therapy. Stakeholders felt that the requirement to package these medications in a way that indicates any special storage conditions or requirements [10.34.25.04 A(3)(b)] should be sufficient.</p> <p>To address these concerns the Board will amend this subsection as follows:</p> <p><u>B. Delivery.</u></p> <p><u>(1) Location.</u> (text unchanged)</p> <p><u>(2) Before the prescription is delivered, the</u> The pharmacy permit holder shall inform the patient if the patient's prescription is a temperature sensitive medication that is at risk for damage due to extreme hot or cold temperatures or moisture:</p> <p><u>a. Charles Sandler - Informal Comment COMAR 10.34.25</u></p> <p><u>Board response to Informal Comment – 10.34.25 - Sandler</u></p> <p><u>b. CVS Caremark - Informal Comment - 10.34.25</u></p>	<p>7a. Motion: R. Zimmer made a motion to approve the Board's response to Charles Sandler.</p> <p>M. Handelman seconded the motion.</p> <p>7b. Motion: R. Matens made a motion to approve the Board's</p>	<p>7a. Board Action: The Board voted to approve the motion.</p> <p>7b. Board Action: The Board voted to approve the motion</p>

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		<p><u>Board response to Informal Comment – 10.34.25 – CVS Caremark</u></p> <p><u>c. Express Scripts - Informal Comment - 10.34.25</u></p> <p><u>Board response to Informal Comment – 10.34.25 – Express Scripts. Delmarva Foundation - Informal Comment - 10.34.25</u></p> <p><u>d. Board response to Informal Comment – 10.34.25 - Delmarva</u></p> <p><u>e. Surescripts - Informal Comment - 10.34.25</u></p> <p><u>Board response to Informal Comment – 10.34.25 - Surescripts</u></p> <p>(Additional comments were received and will be discussed at January Practice)</p>	<p>response to CVS as amended. D. Chason seconded the motion.</p> <p>7c. Motion: R. Matens made a motion to approve the Board's response to Express Scripts as amended. D. Chason seconded the motion.</p> <p>7d. Motion: R. Matens made a motion to approve the Board's response to Delmarva Foundation as written. R. Zimmer seconded the motion.</p> <p>7e. Motion: L. Israbian-Jamgochian made a motion to approve the Board's response to Surescripts as written. D. Chason seconded the motion.</p>	<p>7c. Board Action: The Board voted to approve the motion.</p> <p>7d. Board Action: The Board voted to approve the motion. H. Finke opposed.</p> <p>7e. Board Action: The Board voted to approve the motion. H. Finke opposed</p>
		<p><u>8. 10.34.28 Automated Medication Systems.</u> Submitted to the Department on 09/22/09. Published on 12/4/09.</p> <p>Comments to be discussed at the January Practice Committee Meeting</p>		
		<p><u>9. COMAR 10.34.32 Pharmacist Administration of Vaccinations.</u> <u>BoNursing Comment - COMAR 10.34.32.</u></p> <p>Executive Order extended.</p>		
		<p><u>10. COMAR 10.13.01 Dispensing of Prescription Drugs by a Licensee.</u></p> <ul style="list-style-type: none"> Submitted to DHMH 11/20/08 Comments received from Physicians, Dentists, Podiatrists. JOINT 		

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		<p>Response sent 02/05/09 and ratified at 02/18/09 Bd Mtg. Met with DDC 03/26/09. Hold until mid-May for DDC to complete inspections. Anna Jeffers sent follow-up e-mail to DDC on May 26, 2009. DDC responded that they were working with appropriate Boards.</p> <ul style="list-style-type: none"> • Bd of Physicians response 03/09/09. • Bd of Pharm response 04/07/09. • Bd of Physicians response 4/28/09. • Bd of Pharm response 07/16/09. • Bd of Physicians response 07/27/09. • Bd of Pharm response 08/12/09 <p>Joint Meeting was held on September 10, 2009. Update provided by LaVerne Naesea at the Sept. 16, 2009 Board Meeting.</p> <p>At the recommendation of the Practice Committee, Anna Jeffers made a PIA request, on Sept. 29, 2009, for the minutes from the Maryland Board of Physicians Public Board Meetings for the months of August and September 2009 where physician dispensing was discussed</p> <p>DHMH, Chief of Staff Kronmiller requested additional information in follow-up to September 10, 2009 meeting.</p> <p>Email sent to Kronmiller on November 4, 2009 with attached memo indicating the Board's concerns.</p> <p>Update on Consumer Survey sent 12/14/10.</p>		
		<p>B. A. Jeffers reported on the following Legislation update:</p> <p>1. Position Papers to be ratified: <u>SB 86 – Correctional Services – Final</u></p>	<p>Motion: L. Israbian-Jamgochian made a motion to ratify the position paper.</p> <p>H. Finke seconded the motion.</p>	<p>Board Action: The Board voted to approve the motion.</p>
		<p>2. DTM – Bd of Physician response – Dec 23, 2009 <u>Dec 23 letter from Pinder to Bd DTM.pdf</u></p>		<p>Action Item: The Board will draft 2 letters to the Board of Physicians one specifically concerning the denied DTM applicant and one to address the general statements expressed in the letter.</p>
		<p>A. A. Jeffers reported on the following Maryland Regulations - Status:</p> <p>1. <u>COMAR 10.34.03 Inpatient Institutional Pharmacy</u>. Workgroup established pursuant to the RR&E. Next meeting is scheduled for 01/27/10</p>		

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VI. Inspection Program Report	Lenna Israbian-Jamgochian, Chair	L. Israbian-Jamgochian reported on Compliance monthly statistics for the Board. See Attachment 1, Section C.		
VII. Management Information Services	Tamarra Banks, MIS Manager	A. L. Naesea reported on MIS monthly statistics for the Board. See Attachment 1, Section F.		
		B. L. Naesea reported that MIS has completed an interim system to transition the Board off of the DHMH mainframe system. The Board is currently maintaining two systems which delays the licensure printing process.		
		C. S. Goodman reported that the interim system created by MIS is being reviewed and tested by the Licensing Unit.		
		D. L. Naesea reported that T. Banks had submitted a contract for a contractual help desk position. The contract was denied because DHMH officials interpreted the contract as a request to complete the database system. T. Banks contacted them to clarify the nature of the contract. The Board was told to resubmit the contract without referencing the database system and was additionally offered new automation equipment to work with in the interim (i.e., printers).		
VIII. Administration & Public Support	Patricia Gaither, Administration and Public Support Manager	A. P. Gaither reported on the Administration and Public Support monthly statistics for the Board. See Attachment 1, Section G.		
		B. P. Gaither reported the following staffing updates: 1. Nikki Dupye was hired for the Office Secretary I position located at the Receptionist Desk. 2. A. Page has been reclassified to the Office Secretary II position in the APS Unit. 3. S. Goodman has officially been reclassified as an Administrator Officer II, Licensing Manager position. 4. The Board is now interviewing for the Pharmacist Compliance Officer		

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		<p>position. Two interviews are scheduled for this week and four are scheduled for next week.</p> <p>5. The Board has filed a freeze exemption for an Inspector's position and for a Temporary Employee position.</p> <p>6. The interviews for the Public Information Officer will begin the first week of February. L. Bradley-Baker will be a part of the interview panel along with L. Naesea and P. Gaither.</p>		
		C. L. Naesea reported that a new phone system is required to provide better customer service to Board constituents. In the interim, the Board is awaiting the two Senior Aides to train in Customer Service. Staff will continue to evaluate the need for a new phone system.		
IX. Public Relations Committee Report	Lynette Bradley-Baker, Chair	<p>L. Bradley-Baker reported the following Public Relations Committee Updates:</p> <p>a. The Winter 2010 Newsletter is being edited and will be sent to the printers by the end of the week.</p>		
X. Practice Committee	Reid Zimmer, Chair	R. Zimmer reported on that there are NO public inquires for the month of January.		
XI. Licensing Committee	Michael Souranis, Chair	A. C. Anderson reported the Licensing Committee statistics for the Board. See Attachment 1, Section A and E.		
		<p>B. C. Anderson reported the following Pharmacy Technician Training Programs were recommended for approval.</p> <p>1. Hagerstown Community College</p>	<p>Motion: B1. Licensing Committee made a motion to approve Hagerstown Community College.</p> <p>H. Finke seconded the motion.</p>	<p>Boar d Action:</p> <p>The Board voted to approve the motion.</p>
XII. Disciplinary Committee	Lenna Israbian-Jamgochian, Chair	L. Israbian-Jamgochian reported the Compliance Committee monthly statistics for the Board. See Attachment 1, Section A and C		
XIII. Long Term Care	Mayer Handelman, Chair	<p>M. Handelman reported on the following Long Term Care Updates:</p> <p>a. An assisted living meeting will be held today at <i>Panera Bread</i> on Reisterstown Road.</p>		

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		<p>b. The University of Maryland School of Pharmacy held their monthly assisted living meeting on January 13, 2010. The Office of Health Care Quality, Board of Pharmacy, Board of Nursing and others were in attendance. The purpose of the meeting was to discuss the development of a database, resident documentation tools, and tools used when evaluating assisted living facilities.</p> <p>c. A Residential Service Agency (RSA) program is used to assist frail people in their homes so that they will not have to live in assisted living homes. The program is available throughout the State and offers services that include personal care, medication assistance, transport to appointments, etc.</p> <p>d. A program will be held on Thursday, February 11, 2010 at the Sheraton Hotel to discuss Sure Cycle Dispensing. The discussion panel would like to discuss a new process and convert to a 7 day or less package since the 30 day package will no longer be covered by Medicare Part D. Medicare Part D is losing money on patients that are only in the facility for a short period of time and the medication is ordered but cannot be returned to stock. Therefore, many medications go to waste.</p> <p>e. M. Handelmann is working with volunteers to develop 50 questions to compliment the Assisted Living CD for nursing homes. The questions will be offered for 1 hour CE credit for all health practitioners working in nursing homes.</p>		
XIV. Informational	Donald Taylor, Board President	a. L. Naesea reported on the <i>Pharmacy Practice and Science Activities Report 2008-2009</i> , prepared by the University of MD School of Pharmacy. The report was sent to the Board on behalf of the School of Pharmacy from Professor Magaly Rodriguez de Bittner. The report shares the accomplishments in the school's effort to continue to provide and improve health care for the citizens of Maryland through collaborations with all health care professionals.		
		<p>D. Taylor reported on the following informational updates</p> <p>b. It has been reported that the incidents continue to decline nationally for H1N1 with only a few states reporting sporadic activity. Educational campaigns have been used to get more patients vaccinated. There are plenty of vaccines, both nasal and injectable, currently available.</p>		
		<p>c. The situation in Haiti is very heartbreaking. It was reported that Haiti has been hit with another earthquake this morning. The United States sent pharmacists from their federal volunteers. APhA has issued a request for pharmacists volunteers to work in the Dominican Republic for 2 week stints which is projected to last for 6 to 9 months.</p> <p>CDC guidelines for volunteers are: Current passport Current vaccinations (MMR, DPT, H1N1, Varicella) Also needed: Hepatitis A, Typhoid, & Hepatitis B</p>		

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		<p>C. Anderson put a call in to APhA on Monday to go the Dominican Republic to volunteer and learned that no more volunteers were being accepted because all slots were filled.</p> <p>D. Taylor also reported that Board member A. Leandre is a Haiti native and although his family was not severely affected by the earthquake, no one was hurt. A. Leandre was unable to be present today because he is preparing items for Haiti.</p>		
		d. The Wall Street Journal report on "Catching Deadly Drug Mistakes" references ISMP's establishment of a new notification system for RPh's color coding of different strengths, confusing drug names, abbreviations, etc.		
		e. Great Brittan issued an article "Children given wrong drug doses" 13.2 % of pediatric prescriptions contain errors and in addition to that 19.1% of pediatric drugs were wrongly administered.		
		<p>f. A major drug manufacturer has introduced "smart pill" technology where patients wear a chip as a patch or implanted under skin that will notify physicians if patient is missing doses.</p> <p>Another company has a chip on the prescription lid that notifies patients when the patient should take their medicine.</p>		
XV. Adjournment	Donald Taylor, Board President	<p>A. D. Taylor asked for a motion to close the Public Meeting.</p> <p>The Public Meeting was adjourned at <u>10:50 a.m.</u></p> <p>B. Immediately thereafter, D. Taylor convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session</p>	<p>Motion:</p> <p>C. Anderson made a motion to close the Public Meeting.</p> <p>D. Chason seconded the motion.</p>	<p>Board Action:</p> <p>The Board voted to approve the motion.</p>